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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,005	02/21/2006	Luc R Regnier	19339104177	7903

28886 7590 12/19/2007  
CLARK HILL, P.C.  
500 WOODWARD AVENUE, SUITE 3500  
DETROIT, MI 48226

EXAMINER
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PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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12/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/569,005

**Applicant(s)**

REGNIER ET AL.

**Examiner**

Dennis H. Pedder

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 and 20-26 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/19/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by DeLuca.
3. DeLuca has panel 7, frame 8, power screws 5, trolleys 9, 10, motor 1, flexible drive cables 3, and transmission 2.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. in view of DeLuca.

7. Ito et al. have frame 3-5, with track, lifter arm 24, foot at 27, stop 14,15, trolley at 19, wedge or cam follower 21, cam profile 25, and actuator 16,17. Ito et al. lack the claimed power screws with motor, flexible drive cables and transmission, all taught by the DeLuca reference as discussed above. Such a drive arrangement is merely an alternative mechanism, known in the art, in order to move a trolley along a guide track for a moveable roof panel. As such, there is no advance in the art by using that which is already known. Moreover, the use of screws instead of the conventional threaded cable 17 of Ito et al. is more robust in strength and obvious to use for that reason. It would have been obvious to one of ordinary skill to provide in Ito et al. the drive arrangement of DeLuca.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. in view of Cunningham.

9. Paragraphs 2-7 above are incorporated by reference. It would have been obvious to provide in Ito et al. an alternative camming arrangement for a lift sunroof as taught by Cunningham with a cam profile 32 as a flange on the lifter arm and a cam follower 34, 38 disposed to slide along the track as taught by Cunningham in order to provide a strengthened lifter arm without a slot. Moreover, since this camming arrangement was known in the art at the time of applicant's invention there is no advance in the art by using that which is already known.

10. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. in view of Cunningham as applied to claim 3 above, and further in view of DeLuca.

11. Paragraphs 2-7 above are incorporated by reference. It would have been obvious to one of ordinary skill to provide in the references above screw actuators as taught by DeLuca for the reasons advanced above.

12. As to claim 7, Ito et al. teach a stop end to the cam profile as does Cunningham in figure 2 where the rollers 38, 40 are engaged with both flange 32 and panel 20.

***Allowable Subject Matter***

13. Claims 15-18, 20-26 are allowed.

14. Claims 8-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

15. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

16. The statement of common ownership, submitted by applicant, on 11/19/2007, under current guidelines, precludes a final rejection at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

12/17/07

DHP  
12/17/2007

**AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheets of drawings, including Figures 3-4A, 7, and 8-11 replace the previously submitted sheets of drawings including Figures 3-4A, 7, and 8-11. More specifically, Applicant has amended Figures 3, 7, and 8. Each replacement sheet has been clearly labeled "Replacement Sheet" in the page header.

Attachment: 3 Replacement Sheets of drawings including Figures 3-4A, 7, and 8-11